

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ingo Zenz

Application No.: 10/750,003

Filed: December 30, 2003

For: **CONFIGURATION DATA CONTENT  
FOR A CLUSTERED SYSTEM HAVING  
MULTIPLE INSTANCES**

Art Group: 2168

Examiner: Jay A. Morrison

Confirmation No: 9941

Mail Stop Appeal Brief – Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, V.A. 22313-1450

**APPEAL BRIEF**

Dear Sir:

The Applicant (“Appellant”) submits the following Appeal Brief pursuant to 37 C.F.R. §41.37(c) for consideration by the Board of Patent Appeals and Interferences.

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## **I. REAL PARTY IN INTEREST**

Ingo Zenz is named as the inventor on the application. Ingo Zenz transferred his rights in the subject application through an assignment executed on December 17, 2003, to SAP Aktiengesellschaft (“SAP AG”), a Corporation of Germany, having a principal place of business at Walldorf, Germany. The assignment is recorded at reel/frame number 014875/0826. Accordingly, SAP AG is the real party in interest.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect, be directly affected by or have a bearing on the Board’s decision in this Appeal.

## **III. STATUS OF CLAIMS**

Claims 1-6, 8-10, 16-21, 23-26, and 28-31 are pending in the application. The Examiner has rejected claims 1-6, 8-10, 16-21, 23-26, and 28-31. Appellant respectfully appeals the rejection of claims 1-6, 8-10, 16-21, 23-26, and 28-31.

## **IV. STATUS OF AMENDMENTS**

No amendments were submitted after the Office Action, mailed on July 21, 2008.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Embodiments of the invention generally relate to configuration data, and in particular to a property sheet system for a clustered system having multiple instances. See Specification, page 1, paragraph [0001], lines 6-8.

In regard to independent claim 1, the system comprises a configuration module representing configuration information of a node within a clustered system. See Specification, page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130. The configuration module includes any one of a binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair that maps a key name to an object. See Specification, page 5, paragraph [00020], lines 29-33; page 7, paragraph [00024], lines 3-8; Fig. 2, element 130; Fig. 3, elements 330, 332, 340, 342, 350, and 352. The configuration module further includes a property sheet data structure with a plurality of property

names representing configuration information of at least one component within the clustered system. See Specification page 6, paragraph [00021], lines 3-5; Fig. 2, element 130; Fig. 3, elements 310, 320, 326-328. Moreover, the property sheet data structure includes a plurality of non-modifiable parameters and a plurality of modifiable parameters, wherein each respective property name included in the property sheet data structure is associated with a non-modifiable parameter and a modifiable parameter. See Specification page 6, paragraph [00021], lines 5-8 and paragraph [00022], lines 18-21; Fig. 3, elements 310, 320, 322, 324. A user interface displays contents of the property sheet data structure to allow centralized management of the clustered system and to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system. See Specification, page 7, paragraph [00026], lines 23-28; Fig. 4A, elements 410; page 3, paragraph [00014], lines 23-25; Fig. 1, elements 108, 120. Lastly, the user interface receives inputs to select and modify a parameter associated with the property sheet data structure. See Specification, page 8, paragraph [00028], line 33 to page 8, lines 11-16; Fig. 4, elements 450, 452, 454, 456, 458.

Claim 2 depends from claim 1 and recites the further limitations of the property sheet data structure is associated with a plurality of components contained within the clustered system. See Specification, page 4, paragraph [00017], lines 19 and 20; page 5, paragraph [00020], lines 29-33; page 6, paragraph [00021], lines 3-5; Fig. 2, element 130; Fig. 3, elements 300, 310-1, 310-N.

Claim 3 depends from claim 1 and recites the further limitations of a first dialog box to display contents of the property sheet data structure, the first dialog box including a plurality of entry rows, the entry rows including a first column to display names of corresponding properties, a second column to display configuration parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Lastly, a second dialog box receives input to modify a custom parameter. See Specification, page 8, paragraph [00027], line 9 to paragraph [00028], line 12; Fig. 4B, elements 450 and 458.

Claim 4 depends from claim 3 and recites the further limitations of the second dialog box further includes a name field to display a name of a corresponding property and a default field to

display a default configuration parameter associated with the corresponding property. See Specification, page 8, paragraph [00028], lines 11-16; Fig. 4B, elements 450, 452, 456.

Claim 5 depends from claim 4 and recites the further limitations of the second dialog box further includes a data type field to display the data type associated with corresponding property. See Specification, page 8, paragraph [00028], lines 11-14; Fig. 4B, elements 450, 454.

Independent claim 6 recites the limitations of providing a property sheet associated with a component contained within a clustered system, the property sheet including a plurality of configuration parameters, each parameter associated with a name, a default parameter and a custom parameter. See Specification page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130; page 6, paragraph [00021], lines 3-8 and paragraph [00022], lines 18-21; Fig. 2, element 130; Fig. 3, elements 310, 320, 322, 324, 326-328. Further limitations include replacing the component contained within the clustered system. See Specification page 9, paragraph [00030], lines 1-3; Fig. 5, element 510. The default parameters included in the property sheet are automatically updated with a different default parameter of a corresponding property of a replacement component in response to replacing the component. See Specification page 9, paragraph [00030], lines 10-17; Fig. 5, element 510. Finally, a conflict is determined between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component. See Specification page 9, paragraph [00030], lines 17-22; Fig. 5, element 510.

Claim 8 depends from claim 6 and recites the further limitations determining if a custom parameter included in the property sheet is valid with the replaced component. See Specification, page 9, paragraph [00031], lines 31-34; Fig. 5, elements 520, 530, 550, and 570; page 10, paragraph [00032], lines 5-7 and 11-14.

Claim 9 depends from claim 8 and recites the further limitations of deselecting the custom parameter in response to the custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Claim 10 depends from claim 6 and recites the further limitations of the cluster includes a plurality of instances. See Specification, page 3, paragraph [00013], lines 13 and 14; Fig. 1, elements 100, 102, and 104.

Independent claim 16 recites the limitations of providing a configuration module of a node contained within a cluster, the configuration module comprising any one of a binary file, a

sub-configuration entry, or a name-value pair, and a property sheet containing configuration information associated with a component contained within a cluster. See Specification, page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130; page 5, paragraph [00020], lines 29-33; page 7, paragraph [00024], lines 3-8; Fig. 2, element 130; Fig. 3, elements 330, 332, 340, 342, 350, and 352. The contents of the property sheet are displayed and the property sheet includes non-modifiable parameters and modifiable parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Input is received to select and modify a parameter of the displayed property sheet. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. Finally, the configuration information is sent to the node in response to a request from the node. See Specification, page 4, paragraph [00015], lines 6-10; Fig. 1, elements 110, 112, 114, 116, 122, 124, 126, 128, 130

Claim 17 depends from claim 16 and recites the further limitations the displayed contents of a property sheet comprises providing a number of entry rows. See Specification, page 7, paragraph [00027], lines 33 and 34; Fig. 4A, elements 410, 422-435. Names of corresponding properties are displayed in a first column of each entry row. See Specification, paragraph [00027], page 8, lines 1 and 2; Fig. 4A, element 412. Configuration parameters associated with corresponding properties are displayed in a second column of each entry row. See Specification, paragraph [00027], page 8, lines 2 and 3; Fig. 4A, element 414. Finally, an indication is displayed to show whether a configuration parameter in the second column is a default parameter or a custom parameter. See Specification, paragraph [00027], page 8, lines 3-5; Fig. 4A, elements 414 and 416.

Claim 18 depends from claim 16 and recites the further limitations of the property sheet is included in a configuration data structure containing configuration information associated with the cluster. See Specification, page 4, paragraph [00017], lines 19-25; Fig. 2, elements 130, 210, 220, and 230.

Independent claim 19 recites the limitations of a means for displaying contents of a property sheet containing configuration information associated with a component contained within a clustered system, the property sheet having a plurality of properties, wherein each of said properties is associated with a property name, a non-modifiable default parameter and a custom parameter. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027],

line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Further limitations include a means for receiving input to select and modify a parameter associated with a property included in the property sheet. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. Finally, the limitations include a means for selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 20 depends from claim 19 and recites the further limitations of means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet. See Specification, page 8, paragraph [00028], lines 16-21; Fig. 4B, elements 450, 460, 462, 456.

Claim 21 depends from claim 20 and recites the further limitations of means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter. See Specification, paragraph [00027], page 8, lines 3-5; Fig. 4A, elements 414 and 416.

Claim 23 depends from claim 19 and recites the further limitations of means for automatically updating a default parameter included in the property sheet with a different default parameter associated with a corresponding property of the replaced component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 24 depends from claim 19 and recites the further limitations of means for determining if a custom parameter included in the property sheet is valid with the replaced component. See Specification, page 10, paragraph [00032], lines 12-14; Fig. 5, elements 560 and 570.

Claim 25 depends from claim 19 and recites the further limitations of means for deselecting a custom parameter in response to the custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Independent claim 26 recites the elements of machine-readable medium that provides instructions, which when executed by a processor cause the processor to perform operations comprising displaying contents of a property sheet data structure representing configuration information associated with at least one component within a clustered system, the property sheet data structure including a plurality of property names, a plurality of non-modifiable default parameters and a plurality of custom parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. The limitations further include receiving input to select a custom parameter included in the property sheet data structure. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. The limitations also include storing the modified custom parameter without changing a default parameter corresponding to the modified custom parameter. See Specification, page 8, paragraph [00029], lines 27-33; Fig. 4A and 4B, elements 410 and 450. Finally, the limitations include selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 28 depends from claim 26 and recites the further limitations of automatically updating a default parameter included in the property sheet data structure with a different default parameter associated with a corresponding property of the replaced component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550. The limitations further include determining a custom parameter included in the property sheet data structure is valid with the replaced component. See Specification, page 10, paragraph [00032], lines 12-14; Fig. 5, elements 560 and 570. Finally, the limitations include deselecting an applied custom parameter in response to the applied custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Independent claim 29 recites the elements of a central storage node, the central storage node including a configuration data structure. See Specification, page 3, paragraph [00015], line 32 to page 4, line 3; Fig 1, elements 106 and 130. The limitations further include the

configuration data structure comprising a global configuration module and a sub-cluster configuration module. See Specification, page 4, paragraph [00017], lines 19-21 and 25-30; Fig. 2, elements 130, 210, and 220. Finally, the limitations include the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node. See Specification, page 4, paragraph [00015], lines 6-10; Fig. 1, elements 110, 112, 114, 116, 122, 124, 126, 128, 130

Claim 30 depends from claim 29 and recites the further limitations of the global configuration module comprising a dispatcher configuration module and a server configuration module. See Specification, page 4, paragraph [00017], lines 19-21 and 25-30; Fig. 2, elements 130, 210, 212, 216.

Claim 31 depends from claim 29 and recites the further limitations of the sub-cluster configuration module comprising a local configuration information associated with the sub-cluster. See Specification, page 5, paragraph [00018], lines 4-14; Fig. 2, elements 130, 220, 224, and 225. The local configuration information includes a dispatcher module and a plurality of server modules. See Specification, page 5, paragraph [00018], lines 9-14; Fig 2, elements 130, 220, 224, and 225. The dispatcher module includes configuration information associated with a dispatcher node of the sub-cluster. Id. Finally, each of the plurality of server modules includes configuration information associated with each server node of the sub-cluster. Id.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

In the Office Action mailed on July 21, 2008, the Examiner has rejected claims 1-6, 8-10, 16-21, 23-26 and 28-31.

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o).

Claims 29-31 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claim 19 stands rejected under 35 U.S.C. § 112, second paragraph, as lacking clear antecedent basis for each term.

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,047,497 issued to Patrizio et al. (hereinafter “Patrizio”) in view of U.S Patent No. 6,014,669 issued to Slaughter et al. (hereinafter “Slaughter”).

Claims 1, 2, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,915 issued to Rubert et al. (“Rubert”) in view of Patrizio in further view of Slaughter.

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of U.S. Patent No. 6,564,261 issued to Gudjonsson et al (“Gudjonsson”) in further view of U.S. Patent No. 6,658,018 issued to Tran et al. (hereinafter “Tran”).

Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of U.S. Patent No. 6,983,324 issued to Block et al. (hereinafter “Block”) in further view of Tran.

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Patrizio in view of Slaughter in further view of U.S. Patent Publication No. 2005/0114315 issued to Tanner et al. (“Tanner”).

Claims 20, 21, 23-25 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner.

All of the claims do not stand or fall together. The basis for the separate patentability of the claims is set forth below. The claims will be discussed in the order set forth in the Office Action as listed above.

## VII. ARGUMENT

### A. Overview of the Cited Reference -- Patrizio

Patrizio relates to a system for including information related to the look and feel of property displays of a GUI into one file. See Patrizio, column 3, lines 24-26. In particular, Patrizio uses an underlying network software application to illustrate the GUI implemented in Patrizio. See Patrizio, column 3, lines 25-34. To accomplish this task, Patrizio uses objects defined in a file to represent graphical components within the GUI to illustrate the look and feel of the system. See Patrizio, Fig. 1. For example, based on the objects in the file, Patrizio displays a property sheet layout. See Patrizio, column 4, lines 25-39; Fig. 4. Further, as shown in Fig. 4, a GUI displays nodes and packages installed in a cluster.

However, Patrizio is silent on how the underlying network software application is implemented in relation with the displayed nodes in the cluster. Therefore, Patrizio at least fails

to disclose sending information included in a configuration data structure to a node within a sub-cluster in response to a request from the node. In addition, Patrizio fails to disclose a configuration module comprising a binary file in which the binary file maps a key name to a set of data, a sub-configuration entry comprising an object of a node, or a name-value pair in which the name-value pair maps a key name to an object.

#### **B. Overview of the Cited Reference -- Slaughter**

Slaughter proposes a cluster configuration database for distributed storage of data. See Slaughter, column 2, lines 29-35. In Slaughter, each node in the cluster includes a separate cluster configuration database. See Slaughter, column 3, lines 51-54 and Fig. 1. The cluster configuration databases maintain separate copies of configuration information. See Slaughter, column 4, lines 11-13. Cluster configuration databases can send an update request message to other cluster configuration databases. See Slaughter, column 6, lines 15-67. The update request message includes the data to update the alternate configuration databases. See Slaughter, column 6, lines 39-40.

However, Slaughter at least fails to disclose a central storage node or a central storage node that sends information included in a configuration data structure to a node in response to a request from the node.

#### **C. Overview of the Cited Reference -- Rubert**

Rubert discloses to a system for retrieving information from a database. See Rubert, Abstract. To retrieve the information, a user interface includes a form with search parameters to form a query to retrieve report information (e.g., payroll information related to a department) on remote database servers. See Rubert, column 5, lines 55-64; column 8, lines 10-15; Fig. 1 and 3. Based on the search parameters, a query is then performed on the database. See Rubert, column 5, line 67 to column 6, line 2; Fig. 8, lines 10-15; Fig. 1 and 3.

However, Rubert fails to disclose configuration information of a dispatcher node. Additionally, Rubert fails to disclose a configuration module which includes either a binary file, a sub-configuration entry, or a name-value pair. Moreover, Rubert fails to disclose updating the parameters included in a property sheet in response to replacing a component. Rubert further fails to disclose a graphical dialog box which restores a default value of a parameter.

#### **D. Overview of the Cited Reference – Gudjonsson**

Gudjonsson discloses a system for providing services for clients connected in a clustered computing environment. See Gudjonsson, column 2, lines 52-67. In particular, the system can establish communication sessions between clients located in the clustered computing environment. See Gudjonsson, column 7, lines 39-42. To manage these services, administrative tools are disclosed that allow system administrators to change system settings. See Gudjonsson, column 18, lines 24 and 25. Further, Gudjonsson discloses that the administrative tools are responsible for notifying affected components to these changed settings. See Gudjonsson, column 18, lines 26 and 27. Settings for the components in the cluster are disclosed as stored on a database server separate from the components. See Gudjonsson, Fig. 26.

However, Gudjonsson fails to disclose determining a conflict between each custom parameter with a different default parameter of a replacement component. Moreover, Gudjonsson fails to disclose selectively updating the parameters in the property sheet in response to replacing a component.

#### **E. Overview of the Cited Reference -- Tran**

Tran discloses a fault-tolerant network adapter system comprised of multiple network adaptors connected within the same server and interfaced with a network. See Tran, Abstract; Fig. 1. An agent module is responsible for assessing the capabilities of the network adaptors and then selecting a primary adaptor for accommodating the network data traffic. Id. To accomplish this task, a network adaptor selection algorithm compares the network adaptor IDs for each of network adaptor to select the most “qualified” network adaptor. See Tran, column 4, lines 34-42. Further, Tran discloses the network adaptor with the greatest adaptor attribute value is selected to be the primary adaptor. See Tran, column 4, lines 33-44.

However, Tran at least fails to disclose determining a conflict between a custom parameter and a different default parameter of a replacement component. In addition, Tran fails to disclose updating the default parameters included in the property sheet with a different default parameter of a replacement component.

#### **F. Overview of the Cited Reference -- Block**

Block discloses a distributed protocol to modify cluster communication parameters for nodes within the cluster. See Block, column 4, lines 55-57; Fig. 1. Block determines whether each submitted parameter conforms to a predetermined range of values. See Block, column 7,

lines 52-62. A notification of a request for changes based on the submitted parameter is then sent to each affected node. See Block, Fig. 4, step B3; column 7, lines 60-62. Once, the affected nodes receive the request, each respective node locally modifies the parameter. See Block, column 8, lines 4-8.

However, Block at least fails to disclose selectively updating cluster communication parameters in response to replacing a component where the replacement is decided by comparing each default parameter with a corresponding default parameter of a replacement component.

#### **G. Overview of the Cited Reference -- Tanner**

Tanner proposes a system for managing network device configuration data. See Tanner, paragraph [0027]. A configuration tool including a multi-row edit function is provided to edit an attribute for multiple portions of configuration data. See Tanner, paragraph [0064]. A user may then use a single user interface to perform the multi-row edit function that selects multiple portions of configuration data. See Tanner, paragraph [0065]. A change to any of the data items are then propagated to the remaining selected portions of configuration data. Id. Further, the user may add a new attribute field to the multiple portions of configuration data using the same multi-edit function. See Tanner, paragraph [0066].

However, Tanner at least fails to disclose a second dialog box to modify customer parameters. In addition, Tanner fails to disclose selectively updating cluster communication parameters in response to replacing a component where the replacement is decided by comparing each default parameter with a corresponding default parameter of a replacement component.

#### **H. Objection to the Specification**

The Specification stands objected to for failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Objections are not reviewable by the Board of Appeals but rejections are reviewable. See MPEP § 706.01. However; the Examiner has improperly categorized the alleged issue as an objection to the Specification instead of as a rejection of claims 26 and 28. See Id.

The Examiner alleges that “machine-readable medium” in claims 26 and 28 lacks antecedent basis in the Specification. See Office Action mailed July 21, 2008, page 3. Specifically, the Examiner cites 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as a basis for objection to the Specification. See Office Action mailed July 21, 2008, page 3. These sections

pertain to improper amendment of claims to add subject matter which does not have antecedent basis in the Specification. See Id. However, claims 26 and 28 have not been amended from their originally filed state to add “machine-readable medium.” Thus, the objection to the Specification was improper based on the cited sections, because the Appellant has not amended the claims to add subject matter that is unsupported in the Specification. Instead, the alleged issue relates to claims 26 and 28 for being indefinite.

Further, based on the Examiner’s argument a rejection of claims 26 and 28 should have been made by the Examiner instead of an objection. See MPEP § 706.01. An objection is properly issued when the form of the claim is improper. See Id. In contrast, a rejection is properly issued when the substance of a claim is improper. See Id. In the Examiner’s present argument, the alleged issue pertains to the indefiniteness of the set of claims which recite a “machine-readable medium.” See Office Action mailed July 21, 2008, page 3. The Examiner’s argument relates to the substance of the claims because the Examiner alleges that the claim is unclear and not that the form of the claims is improper. See Id. Therefore, the Examiner improperly issued an objection because the Examiner’s argument is based on the substance of claims 26 and 28. Accordingly, based on the Examiner’s allegations a rejection should have been issued, which is reviewable by the Board of Appeals.

Further, the arguments posed by the Examiner regarding the lack of antecedent basis for “machine-readable medium” is incorrect. The Examiner alleges that the term “machine-readable medium” is undefined, because there is no antecedent basis for this term in the Specification. See Office Action mailed July 21, 2008, page 3. MPEP § 2173.05(e) states:

The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Further, the court in Chef America, Inc. v. Lamb-Weston, Inc. held that “[o]rdinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.” Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004). “The ordinary and customary meaning of a term may be evidenced by a variety of sources,

including ‘the words of the claims themselves...and extrinsic evidence.’” MPEP § 2111.01(III) citing Phillips v. AWH Corp., 415 F.3d at 1314, 75 USPQ2d at 1327.

A “machine-readable medium” is commonly known by persons skilled in the art as a “medium capable of storing data in a form that can be accessed by an automated sensing device.” Machine-readable Medium. Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. 24 September 2008. <[http://en.wikipedia.org/wiki/Machine-readable\\_medium](http://en.wikipedia.org/wiki/Machine-readable_medium)>. The Applicant has not attempted to impute a novel or uncommon meaning to the term “machine-readable medium.” Thus, absence of the term from the Specification alone does not justify objection to the Specification because the term “machine-readable medium” is clearly and precisely defined to a person of ordinary skill in the relevant art.

Therefore, the objection to the Specification is improper because the Examiner improperly issued an objection and the term “machine-readable medium” is not indefinite. Accordingly, the Appellant respectfully requests that the objection to the Specification be overturned.

### **I. Rejection of Claims 29-31 Under 35 U.S.C. § 101**

Claims 29-31 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter for disclosing a system or apparatus but not describing hardware which executes each of the claimed steps.

“The burden is on the USPTO to set forth a *prima facie* case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation.” MPEP § 2106(IV)(B).

Claims 29-31 are directed toward patentable subject matter under 35 U.S.C. § 101. 35 U.S.C. § 101 states that “any new and useful process, machine, manufacture, or composition of matter” is patentable subject matter. The court in In re Bilski held that in order for a process to define patentable subject matter, the process must be (1) tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing. See In re Bilski, \_\_ F.3d \_\_ (Fed. Cir. 2008)

Claims 29-31 do not recite any steps as argued by the Examiner. These claims define an apparatus with various components. Since these claims do not recite any steps or define a process, the rejection for failing to describe hardware which executes each of the claimed steps is

improper. Specifically, the test in *In re Bilski* does not apply to claims 29-31 because these claims do not define a process or steps.

Further, claims 29-31 define an apparatus for managing configuration data. As such, claims 29-31 define a machine and are patentable subject matter under 35 U.S.C. §101. Thus, claims 29-31 are directed to statutory subject matter. Accordingly, Appellant respectfully requests that the rejection of claims 29-32 under 35 U.S.C. § 101 be overturned.

#### **J. Rejection of Claim 19 Under 35 U.S.C. § 112, second paragraph**

Claim 19 stands rejected under 35 U.S.C. § 112 as being indefinite for lacking clear antecedent basis for the term “the component.” Under MPEP § 2173.05(e), “[a] claim is indefinite when it contains words or phrases whose meaning is unclear.” Further, “[i]f the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite.” See MPEP § 2173.05(e).

Claim 19 includes “means for displaying contents of a property sheet containing configuration information associated with a component...means for selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced” (emphasis added). The Examiner argues that “the component to be replaced” could be reasonably interpreted as referring to the first instance of “a component.” However, a person of ordinary skill in the art would understand “the component to be replaced” as referring to the second instance of “a component” because the second instance is the only component which has been designated to be replaced as recited in claim 19.

Thus, claim 19 is not indefinite because each instance the term “the component” has clear antecedent basis. Accordingly, Appellant respectfully requests that the rejection of the claim 19 under 35 U.S.C. § 112 be overturned.

#### **K. Rejection of Claims 29-31 Under 35 U.S.C. § 103(a)**

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,047,497 issued to Patrizio et al. (hereinafter “Patrizio”) in view of U.S Patent No. 6,014,669 issued to Slaughter et al. (hereinafter “Slaughter”).

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82

USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court’s decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because “as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention.” In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007). However, as discussed below, the cited references fail to teach or suggest each element of claims 29-31 and the Examiner has failed to establish any teaching, suggestion or motivation to combine the cited references.

### **1. Claim 29**

#### **a) Independent Claim 29 Is not Obvious at Least Because Patrizio in View of Slaughter Fails to Teach or Suggest a Central Storage Node Including a Configuration Data Structure.**

Claim 29 recites the elements of “a central storage node, the central storage node including a configuration data structure.” Patrizio fails to teach or suggest the elements related to “a central storage node” and “a configuration data structure,” as discussed below.

In the Office Action mailed July 21, 2008, the Examiner characterized the elements of “the central storage node including a configuration data structure,” as allegedly taught by column 3, lines 38-44 of Patrizio. However, because Patrizio is instead directed to a graphical user interface (“GUI”) that uses a network software application *as an example to illustrate the GUI*, Patrizio fails to teach or suggest each element of claim 29. See Patrizio, column 3, lines 24-34. Patrizio’s GUI implementation is silent on how the underlying network software application is implemented along with failing to teach or suggest the elements that are included with the underlying network software application. Although nodes are illustrated in Fig. 1, Patrizio fails to distinguish between the nodes based on features, let alone, teach or suggest “the central storage node,” as recited in claim 29. An illustration of generic nodes in the cluster is not equivalent to “the central storage node.” Patrizio is also silent on whether any node in Fig. 1 includes “a configuration data structure,” as recited in claim 29. Thus, because Patrizio fails to teach or suggest a “central storage node,” or any node that includes a “configuration data structure,” the elements of “the central storage node including a configuration data structure,” are not taught or suggested either.

Instead, Fig. 1 shows a GUI with a hierarchical map of GUI objects. See Patrizio, column 3, lines 38-44. To implement the hierarchical map in the GUI, Patrizio stores the layout information (e.g., the hierarchical map in Fig. 1) of the GUI in a managed object format (“MOF”) file. See Patrizio, column 5, lines 6-11. Therefore, Fig. 1 illustrates a display of the *layout of the GUI* as stored in the MOF file instead of a “configuration data structure,” as recited in claim 29. Further, as shown in Fig. 9A and 9B, the data included in the MOF file is in a format defined by a schema that organizes the data by respective GUI element (e.g., defining the order of tab GUI elements). See Patrizio, column 5, lines 16-20, 29-31, and 37-42; column 6, lines 21-24 and 38-41. Layout information in the GUI is not equivalent to “central storage node” nor the same as “a configuration data structure.” Therefore, Patrizio’s MOF file including the layout information of the GUI elements (e.g., as shown in Fig. 1) fails to teach or suggest the elements of “the central storage node including a configuration data structure,” as recited in claim 29.

Further, Appellant is unable to discern and the Examiner has failed to cite the portion of Slaughter that allegedly teaches or suggests the above missing elements of claim 29. Slaughter discloses a system using a plurality of databases which each store configuration data. See Slaughter, column 3, lines 51-56. Thus, Slaughter does not disclose a central storage node as recited in claim 29, because a plurality of storage nodes are used to store configuration data. Consequently, Slaughter fails to teach or suggest the elements of “the central storage node including a configuration data structure,” as recited in claim 29.

Therefore, for at least the reasons set forth above, Patrizio in view of Slaughter fails to teach or suggest each element of claim 29. Thus, the Examiner has failed to establish a *prima facie* case of obviousness.

**b) Independent Claim 29 Is not Obvious at Least Because Patrizio in View of Slaughter Fails to Teach or Suggest a Central Storage Node Sending Information Included in a Configuration Data Structure to a Node.**

Claim 29 recites “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node.” The combination of Patrizio and Slaughter fail to teach or suggest these elements of claim 29.

As discussed above, because Patrizio in view of Slaughter fails to teach or suggest the elements of “the central storage node including a configuration data structure,” then Patrizio in view of Slaughter also fails to teach or suggest the elements of “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” as recited in claim 29

Further, in the Office Action mailed July 21, 2008, the Examiner conceded that Patrizio fails to teach or suggest the elements of “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” as recited in claim 29. See Office Action, Page 5. Slaughter fails to cure these deficiencies.

The Examiner cites column 3, lines 51-65 of Slaughter as disclosing “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node.” The cited portions of Slaughter disclose querying a cluster for configuration information. See Slaughter, column 3, lines 51-65. Specifically, the distributed cluster configuration databases are queried for the configuration data. See Slaughter, column 3, lines 61-65. The cluster configuration databases maintain separate copies of configuration information. See Slaughter, column 4, lines 11-13. Cluster configuration databases can send an update request message to other cluster configuration databases. See Slaughter, column 6, lines 15-67. The update request message includes the data to update the other configuration databases. See Slaughter, column 6, lines 39-40. Therefore, the requesting node of Slaughter does not receive configuration data but instead the requesting node sends configuration data. Since the requesting node sends data to another node, Slaughter fails to teach or suggest the elements of “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” (emphasis added) as recited in claim 29.

Moreover, Slaughter fails to teach or suggest the elements of “the central storage node.” Slaughter discloses a system utilizing a distributed group of databases. See Slaughter, column 3, lines 51-65. In Slaughter, each of the distributed cluster configuration databases maintains a copy of the cluster data. See *Id.* By disclosing a distributed system of databases with mirrored data, Slaughter teaches or suggest a system consisting of “a central storage node” because distributing a database amongst several nodes results in non-centralized storage. Therefore,

Slaughter fails to teach or suggest “a central storage node” as recited in claim 29. Consequently, the combination of Patrizio and Slaughter fails to teach or suggest each element in claim 29.

Therefore, for at least the reasons set forth above, Patrizio in view of Slaughter fails to teach or suggest each element of claim 29. Thus, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 29 be overturned.

## **2. Claims 30 and 31**

### **a) Claims 30 and 31 Are Patentable at Least Because These Claims Depend from Patentable Base Claim 29.**

Claims 30 and 31 depend from claim 29 and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 29, Patrizio and Slaughter fails to teach or suggest each element of claims 30 and 31. In particular, as discussed above, Patrizio’s GUI implementation and Slaughter’s querying of configuration data fail to teach or suggest the elements of “the central storage node including a configuration data structure,” “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” as recited in claim 29. Therefore, claims 30 and 31 are patentable over the art of record because each of these claims depends from claim 29.

Thus, in view of at least the foregoing reasons, claims 30 and 31 are directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claims 30 and 31 be overturned.

### **L. Rejection of Claims 1, 2, and 16-18 Under 35 U.S.C. § 103(a)**

Claims 1, 2, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,915 issued to Rubert et al. (hereinafter “Rubert”) in view of Patrizio in further view of Slaughter.

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court’s decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the

teaching, suggestion and motivation (TSM) test, because “as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention.” In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element in claims 1, 2, and 16-18.

### **1. Claims 1 and 2**

#### **a) Claim 1 is Patentable at Least Because Rubert in View of Patrizio in Further View of Slaughter Fails to Teach or Suggest a User Interface to Manage Configuration Information of at Least One Dispatcher Node.**

Claim 1 recites the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system.” The cited art fails to teach or suggest these elements as discussed below.

The Examiner conceded in the Office Action mailed July 21, 2008 that the combination of Rubert and Patrizio fails to teach or suggest the elements related to “manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. See Office Action, Page 8. Moreover, Appellant submits that the Examiner has failed to read these elements in the context of claim 1 as a whole. In particular, claim 1 recites the elements of “*a user interface . . . to manage configuration information of at least one dispatcher node*” (emphasis added). As required in MPEP § 2143.03, all words in a claim must be considered in judging the patentability of that claim against the prior art. See In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Therefore, Appellant submits that the Examiner has at least failed to cite the relevant portion of the prior art that teaches or suggests the elements of “a user interface” in conjunction with the elements of “to manage configuration information of at least one dispatcher node,” as recited in claim 1.

Instead, in the Office Action mailed July 21, 2008, the Examiner has relied upon Rubert as disclosing the elements of “a user interface.” See Office Action, Page 8. However, Rubert discloses a report form including parameters that may be modified by the user. See Rubert, column 5, line 55 to column 6, line 6. As shown in Fig. 1, the displayed parameters (e.g., start and end dates, last execution date, last user) relate to *describing a query* and *defining the query* and not “to manage configuration information of at least one dispatcher node.” Therefore, the

user interface in Fig. 1 is not showing “configuration information of at least one dispatcher node,” as recited in claim 1. The query (and its associated parameters) forms a request for information stored in a database and is not equivalent to “configuration information of at least one dispatcher node,” as recited in claim 1. See Rubert, column 5, lines 58-64. This conclusion is further supported because the report form in Fig. 1 is then used to execute the query (as defined by the displayed parameters) to retrieve information stored in an “Engineering Payroll DB” (i.e., payroll information and not “configuration information”). See Rubert, column 5, lines 60-64. Therefore, Rubert’s user interface for query retrieval of information fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node,” as recited in claim 1.

In addition, the Examiner has relied upon Slaughter to teach or suggest the elements of “manage configuration information of at least one dispatcher node,” as recited in claim 1. Again, as discussed above, Appellant submits that the Examiner has failed to consider all words in a claim in judging the patentability of claim 1 against the prior art as required under MPEP § 2143.03. In particular, claim 1 recites the elements of “a user interface” in conjunction with the elements of “to manage configuration information of at least one dispatcher node.” However, the portion of Slaughter cited by the Examiner discloses transferring information between nodes in a cluster. See Slaughter, column 3, lines 51-65. Appellant notes that no user interface is disclosed by this section of Slaughter. See Id. Moreover, after reviewing Slaughter Appellant has been unable to find any section therein which discusses a user interface. Thus, Slaughter fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Therefore, in view of at least the foregoing reasons, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 1.

**b) Claim 1 is Patentable at Least Because Rubert in View of Patrizio in Further View of Slaughter Fails to Teach or Suggest a Configuration Module Representing Configuration Information of a Node in the Manner Recited in Claim 1.**

Claim 1 further recites the elements of “the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry

comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object.” The cited art fails to teach or suggest these elements as discussed below.

The Examiner has conceded (see pages 6-7 of the Office Action) that Rubert fails to teach or suggest the above elements. Instead, the Examiner has relied upon Patrizio to teach or suggest these missing elements. The portion of Patrizio cited by the Examiner in Fig. 4 discloses a display of packages associated with respective nodes of a cluster. See Patrizio, column 4, lines 30-50. However, the alleged configuration module in Fig. 4 does not include the elements of “any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object,” as recited in claim 1. Although “package” names are shown in Fig. 4, Patrizio is silent on how the packages are implemented and what elements are included in the packages. Therefore, Patrizio does not disclose “the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object” as recited in claim 1, because the implementation of packages is not discussed in Patrizio. Thus, Patrizio fails to teach or suggest these elements of claim 1.

Further, the Examiner has not cited and Appellant is unable to discern the portion of Slaughter that teaches or suggests the above missing elements. Consequently, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 1. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, in view of at least the additional foregoing reasons, claim 1 is separately patentable over Rubert in view of Patrizio in further view of Slaughter. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 1 be overturned.

**c) Claim 2 Depends from Patentable Base Claim 1.**

Claim 2 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 1, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 2. Therefore, claim 2 is patentable over the art of record because claim 2 depends from claim 1.

Thus, in view of at least the foregoing reasons, claim 2 is directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 2 be overturned.

## **2. Claims 16 and 17**

### **a) Claim 16 Is Patentable Over Rubert in view of Patrizio in Further View of Slaughter at Least Because the Cited Art Fails to Teach or Suggest a Configuration Module Comprising Any One of a Binary File, a Sub-Configuration Entry, or a Name-Value Pair.**

Claim 16 recites the elements of “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair.”

In the Office Action mailed July 21, 2008 (see pages 6-7), the Examiner conceded that Rubert fails to teach or suggest the elements related to “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair.” Instead, the Examiner has relied upon Patrizio to teach or suggest these missing elements. Again, as discussed above related to analogous elements in claim 1, the alleged configuration module in Fig. 4 does not include the preceding elements because Patrizio is silent on how the “packages” shown in Fig. 4 are implemented and what elements are included in the packages. See Patrizio, column 4, lines 30-50. Consequently, Patrizio fails to teach or suggest the elements of “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16.

Moreover, the Examiner has failed to cite and Appellant is unable to discern the portion of Slaughter that teaches or suggests the above missing elements. As a result, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 16. Consequently, in view of at least the foregoing reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 16 is separately patentable over Rubert in view of Patrizio in further view of Slaughter. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 16 be overturned.

### **b) Claim 17 Is Patentable at Least Because Claim 17 Depends from Patentable Base Claim 16.**

Claim 17 depends from claim 16 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 16, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 17. In particular, as discussed above, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest

the elements related to “sending the configuration information to the node,” and “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16. Therefore, claim 17 is patentable over the art of record at least because claim 17 depends from claim 16.

Thus, in view of at least the foregoing reasons, claim 17 is directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 17 be overturned.

### 3. Claim 18

#### a) Claims 18 Is Patentable Because the Cited Art Fails to Teach or Suggest a Property Sheet in a Configuration Data Structure Contains Configuration Information of a Cluster.

Claim 18 recites the elements of “the property sheet is included in a configuration data structure containing configuration information associated with the cluster.” The art of record fails to teach or suggest these elements.

In the Office Action mailed July 21, 2008 (see page 11), the Examiner admitted that Rubert fails to teach or suggest the above elements. The Examiner has, instead, relied upon Patrizio to teach or suggest the missing elements. However, Patrizio fails to cure these deficiencies. In contrast, the portion of Patrizio cited by the Examiner discloses a GUI interface showing packages associated with respective nodes of a cluster. See Patrizio, column 4, lines 30-50. However, this portion of Patrizio does not teach or suggest “a configuration data structure” but instead describes that the layout of the GUI is defined in a managed object file (“MOF”). See Patrizio, column 4, lines 34-36. In particular, the GUI interface defined in the MOF file (i.e., in Fig. 4) includes *layout information based on a schema*. See Patrizio, column 6, lines 21-30 and 44-67; Fig. 9A and 9B. For example, the layout information is used to establish the order of GUI elements (e.g., as shown in Fig. 4). See Patrizio, column 6, lines 36-41. Thus, the layout information is not equivalent to “a configuration data structure containing configuration information associated with the cluster” because an order of GUI elements does not teach or suggest configuration information of the cluster illustrated in Fig. 4.

Further, the Examiner has not cited and Appellant is unable to discern the section of Slaughter that teaches or suggests the missing elements. Consequently, in view of at least the above reasons, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest

each element of claim 18. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, in view of at least the reasons set forth above, claim 18 is separately patentable over the cited art.

**b) Claim 18 Is Patentable at Least Because Claim 18 Depends from Patentable Base Claim 16.**

In addition to the above reasons, claim 18 is directed to patentable subject matter because claim 18 depends from claim 16 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 16, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest each element of claim 18. In particular, as discussed previously, Rubert in view of Patrizio in further view of Slaughter fails to teach or suggest the elements of “sending the configuration information to the node,” and “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16. Therefore, claim 18 is patentable over the art of record because claim 18 depends from claim 16.

Thus, in view of at least the reasons set forth above, claim 18 is directed to patentable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 18 be overturned.

**M. Rejection of Claims 6 and 8-10 Under 35 U.S.C. § 103**

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of U.S. Patent No. 6,564,261 issued to Gudjonsson et al (“Gudjonsson”) in further view of U.S. Patent No. 6,658,018 issued to Tran et al. (hereinafter “Tran”).

However, as discussed below, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claims 6 and 8-10 and the the Examiner has failed to establish any teaching, suggestion or motivation to combine the cited references.

## **1. Claims 6 and 8-10**

### **a) Claim 6 Is Patentable at Least Because Rubert In View of Gudjonsson and Tran Fails to Teach or Suggest Automatically Updating the Default Parameters With a Different Default Parameter.**

Claim 6 recites the elements of “automatically updating the default parameters included in the property sheet with a different default parameter with a corresponding property of a replacement component.” The cited art fails to teach or suggest these elements.

In the Office Action mailed July 21, 2008 (see page 12), the Examiner admitted that Rubert fails to teach or suggest the above elements. The Examiner then relied upon Gudjonsson to teach or suggest the missing elements. However, the portion of Gudjonsson cited by the Examiner discloses that administrative tools may modify settings to components in a cluster. See Gudjonsson, column 18, lines 24-28. However, Appellant notes that Gudjonsson is silent on whether the settings include “default parameters” that are updated “with a different default parameter . . . of a replacement component,” as recited in claim 6. In other words, the Examiner has failed to point to the section of Gudjonsson that teaches or suggests that the settings include “default parameters” and “a different default parameter.” Without more, Gudjonsson fails to teach or suggest the discernable features of the settings. Consequently, Gudjonsson fails to teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter with a corresponding property of a replacement component,” as recited in claim 6.

Further, the Examiner has not cited and Appellant is unable to discern the portion of Tran that teaches or suggests the above missing elements. As a result, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claim 6. Therefore, for at least the previous reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran.

**b) Claim 6 Is Patentable at Least Because Rubert In View of  
Gudjonsson and Tran Fails to Teach or Suggest a Replacement  
Component.**

In addition to the above reasons, the cited art fails to teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter . . . of a replacement component in response to replacing the component” (emphasis added).

In the Office Action mailed July 21, 2008, as discussed above, the Examiner conceded that Rubert fails to teach or suggest the above elements. The Examiner then relied upon Gudjonsson to teach or suggest these missing elements. However, the Examiner has failed to point out where in Gudjonsson that the elements related to the “component” and “replacement component” are taught or suggested. It is unclear what the Examiner has characterized as the component and replacement component in Gudjonsson. Again, the section of Gudjonsson cited by the Examiner discloses an admin tool that changes settings of components. See Gudjonsson, column 18, lines 24-28. However, a *modification of settings of a component*, by itself, does not result in a *replacement of a component*. For example, Gudjonsson discloses that settings of components are stored in a database. See Gudjonsson, column 32, lines 49-51. The settings are then configurable from the admin tool. See Gudjonsson, column 32, lines 51-54. The admin tool may also notify affected components of changes to settings. Id. Therefore, it should be understood that when the settings are modified using the admin tool, these settings stored in the database are changed. However, the affected component is *not replaced*, but *notified* by the admin tool of these changes. Id. Further, Gudjonsson fails to disclose that settings are changed *in response to replacing the associated component*. As a result, changing settings to components in the database, by itself, does not teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter . . . of a replacement component in response to replacing the component,” (emphasis added) as recited in claim 6.

In addition, the Examiner has not cited and Appellant is unable to discern the portion of Tran that teaches or suggests the above missing elements. Consequently, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claim 6. Therefore, in view of at least the above reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran.

**c) Claim 6 Is Patentable at Least Because Rubert In View of Gudjonsson and Tran Fails to Teach or Suggest Determining a Conflict Between Custom and Default Parameters.**

Claim 6 recites the additional elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component.” The cited art fails to teach or suggest these elements.

On page 13 of the Office Action, the Examiner conceded that the above elements are not taught or suggested in Rubert and Gudjonsson. The Examiner then relied upon Tran to teach or suggest the missing elements. However, Tran also fails to cure these deficiencies as discussed below.

Tran, in contrast, discloses a network adaptor selection algorithm to select the most “qualified” network adaptor as the primary adaptor. See Tran, column 4, lines 34-42. Amongst a set of network adaptors in a server, the primary adaptor is the network adapter that provides a primary connection that receives all communication destined for the server from the network. See Tran, column 1, lines 46-51. To select the primary adaptor, Tran selects the network adapter with the greatest attribute value. See Tran, column 8, lines 1-4. However, selecting the *greatest attribute value* is not equivalent to the elements of “determining a conflict between each custom parameter . . . with the different default parameter of the corresponding property of the replacement component” because the selected adapter with the greatest attribute value is *compatible* (i.e., most qualified) and not “a conflict.” For example, the team capability value (that indicates the value of the adapter with the highest priority) is initially set to zero. See Tran, column 4, lines 21-32. Tran’s algorithm then iterates through each network adaptor to calculate each network adaptor’s attribute value and to determine whether the network adaptor’s attribute value is greater than the team capability value. See Tran, column 4, lines 33-35 and 44-48. If the network adaptor’s attribute value is greater, then the team capability value is assigned as the network adaptor’s attribute value. See Tran, column 4, lines 35-38. However, *no conflict has occurred* based on the assignment of the team capability value. Rather, the network adaptor with the greatest attribute value is the *desired criteria* for selecting the primary adaptor instead of

being in conflict with the team capability value. Thus, the selection performed in Tran is not equivalent to a determination of a conflict. Therefore, Tran fails to teach or suggest the elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component,” as recited in claim 6. Thus, in view of at least the previous reasons, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element in claim 6. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran.

**d) Claim 6 Is Patentable Because Rubert in View of Gudjonsson and Tran Are Non-Analogous Prior Art.**

Appellant submits that Rubert and Gudjonsson in view of Tran are not analogous prior art. Again, as stated in MPEP § 2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter at issue. Under the correct analysis, a need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed. See KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Therefore, a reference in a field different from that of applicant’s endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention. See MPEP § 2141.01(a).

Based on the above requirements, first, Rubert discloses a user interface for executing a query in a database. See Rubert, column 5, line 55 to column 6, line 4. To accomplish this task, the user interface running on a client system communicates with a server that is connected to remote database servers. See Rubert, Fig. 3; column 8, lines 10-15. Further, Gudjonsson discloses administrative tools for modifying settings of components within a cluster. See Gudjonsson, column 18, lines 24-28; Fig. 26. Gudjonsson further discloses that the admin tools are hosted in a machine away from components of the cluster. See Gudjonsson, Fig. 26. Tran, in contrast, discloses a selection algorithm for determining a network adaptor amongst a team of network adaptors in a same server to serve as the primary adaptor. See Tran, Fig. 3; column 4, lines 16-19; Fig. 1. However, Tran’s network adaptor selection algorithm *within the same server*

is not reasonably pertinent to Rubert's query execution interface of *remote database servers* and Gudjonsson's modification of settings of *remote components* in the cluster that one skilled in the art would look to Tran to improve what Rubert and Gudjonsson are directed toward. Tran's network adaptor algorithm is *isolated to the same server* including the team of network adaptors and is not logically connected with communicating with *remote database servers and components* as disclosed in Rubert and Gudjonsson, respectively. Therefore, in view of at least these reasons, Tran is not analogous prior art and cannot properly be combined with Rubert and Gudjonsson. Consequently, the Examiner has failed to establish a *prima facie* case of obviousness based on Rubert and Gudjonsson and Tran for claim 6.

Thus, in view of at least the foregoing additional reasons, claim 6 is separately patentable over the cited art. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 6 be overturned.

**e) Claims 8-10 Are Patentable Because Each of These Claims Depends from Patentable Base Claim 6.**

Claims 8-10 depend from claim 6 and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 6, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claims 8-10. In particular, as discussed previously, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter . . . of a replacement component in response to replacing the component” and “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component,” as recited in claim 6. Therefore, claims 8-10 are patentable over the art of record because each of these claims depends from claim 6.

Thus, in view of at least the foregoing reasons, claims 8-10 are directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claims 8-10 be overturned.

**N. Rejection of Claims 19 and 26 Under 35 U.S.C. § 103**

Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of U.S. Patent No. 6,983,324 issued to Block et al. (hereinafter “Block”) in further view of Tran.

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because "as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention." In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, the cited references fail to teach or suggest each element of claims 19 and 26.

### **1. Claims 19 and 26**

#### **a) Claim 19 Is Patentable Because Rubert in View of Gudjonsson in View of Block in View of Tran Fails to Teach or Suggest Selectively Updating the Parameters.**

Claim 19 recites the elements of "selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component." The Examiner on page 15 of the Office Action admitted that Rubert in view of Gudjonsson fails to teach or suggest the elements of "selectively updating the parameters included in the property sheet in response to replacing a component." As a result, Rubert in view of Gudjonsson also fails to teach or suggest the elements of "comparing a default property name of the component to be replaced with a corresponding default property name of a replacement component," as recited in claim 19.

Further, Block fails to cure the above deficiencies. In contrast, Block discloses an operation that determines whether each parameter to be modified conforms with *a range of values*. See Block, column 7, lines 52-62. The range of values, on the other hand, represents *all possible conforming values* (but not actual default values) for the parameter, but does not correspond with "each default parameter of the component to be replaced," as recited in claim 19. In other words, Block compares the updated value with all possible conforming values rather than compare the updated value with the default value of the parameter of the component to be

replaced. As a result, Block fails to perform a comparison of “each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19. Therefore, for at least these reasons, Block fails to teach or suggest each element of claim 19.

Lastly, Tran fails to cure the above deficiencies. The portion of Tran cited by the Examiner, instead, discloses a network adaptor selection algorithm that chooses the network adaptor with the greatest attribute value. See Tran, column 4, lines 34-42; column 8, lines 1-4. To accomplish this task, Tran calculates each network adaptor’s attribute value (i.e., current adaptor capability value) to determine whether the calculated network adaptor’s attribute value is greater than the current attribute value (i.e., team capability value). See Tran, column 4, lines 33-35 and 44-48. In this case, the current attribute value is then assigned the calculated network adaptor’s attribute value. See Tran, column 4, lines 35-38. However, the network adaptor’s attribute value is determined from, in part, statistical (i.e., historical) data such as the network adaptor’s reliability factor based on the number of times the network adaptor has failed and transmitted under-runs and over-runs. See Tran, column 5, lines 1-4 and 49-57. In other words, since the network adaptor’s attribute value relies on *statistical data*, Tran is required to *recalculate the attribute value each time* the network adaptor is selected. Thus, no default value for the attribute value is disclosed by Tran. Therefore, the elements of “comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component” are not taught or suggested because no default values for components are present in Tran because the attribute values of each network adaptor are required to be calculated each time. Thus, for at least the above reasons, Tran fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19.

Thus, for at least the reasons set forth above, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness. Consequently, claim 19 is separately patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 19 be overturned.

**b) Claim 26 Is at Least Patentable Over the Cited Art Because Claim 26 Recites Analogous Elements to Those In Claim 19.**

Claim 26 recites analogous elements to those in claim 19. Therefore, to illustrate that claim 26 is directed to patentable subject matter, the arguments made in connection with claim 19 are applicable for the elements of “selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 26. Consequently, for at least the previous reasons, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 26. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 26 is separately patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 26 be overturned.

**O. Rejection of Claims 3-5 Under 35 U.S.C. § 103**

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Patrizio in view of Slaughter in further view of U.S. Patent Publication No. 2005/0114315 issued to Tanner et al. (“Tanner”).

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court’s decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because “as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention.” In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, the cited references fail to teach or suggest each element of claims 3-5.

## **1. Claim 3**

### **a) Claim 3 Depends from Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in view of Patrizio in view of Slaughter.**

Claim 3 depends from base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 3 is patentable over Rubert in view of Patrizio in view of Slaughter. Moreover, Tanner fails to cure these deficiencies. Tanner, in contrast, discloses a multi-row editing function to modify configuration data for a network device. See Tanner, paragraphs [0065] and [0066]. However, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Instead, as shown in Fig. 1 of Tanner, the network device is *not located within a cluster* but shown as an isolated network component. See Tanner, paragraph [0027]. Consequently, in view of at least the previous reasons, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. As a result, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, claim 3 is patentable over the art of record because claim 3 depends from claim 1.

Thus, for at least the reasons set forth above, claim 3 is patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner.

### **b) Claim 3 Is not Obvious at Least Because Rubert in View of Patrizio in View of Slaughter in Further View of Tanner Fails to Teach or Suggest Columns In the Manner Recited In Claim 3.**

Appellant also submits the following reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 3.

The Examiner conceded in the Office Action mailed July 21, 2008 (see page 20) that Rubert in view of Patrizio in view of Slaughter fails to teach or suggest the elements recited in claim 3. Further, Tanner fails to teach or suggest the missing elements as well. Instead, Tanner discloses rows of data with labeled columns related to an ID field, an IP address field, a sequence number field, and an attribute field. See Tanner, paragraph [0064]. In other words, each column in Tanner has a *respective column name* corresponding to the data item included in the respective

column. Therefore, as shown in Fig. 5A, 5B, and 5C of Tanner, the respective columns fail to correspond to the elements of “a first column to display names of corresponding properties, a second column to display configuration parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters,” as recited in claim 3. As a result, Tanner fails to teach or suggest each element of claim 3.

Further, Appellant notes that the multi-row edit function disclosed in Tanner allows the rows of data to be modified and new data to be added to the rows of data by using a *single GUI interface* (i.e., EDIT 228 user interface) instead of “a first dialog box to display contents of the property sheet data structure,” and “a second dialog box to receive input to modify a custom parameter,” as recited in claim 3. See Tanner, paragraphs [0065] and [0066]. Consequently, in view of at least the foregoing reasons, Tanner fails to teach or suggest each element of claim 3. Thus, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Slaughter in further view of Tanner fails to teach or suggest each element of claim 3. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 3 is separately patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 3 be overturned.

## 2. Claim 4

### a) **Claim 4 Depends from Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in View of Patrizio in View of Slaughter.**

Claim 4 depends from base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 4 is patentable over Rubert in view of Patrizio in view of Slaughter. Moreover, Tanner fails to cure these deficiencies of claim 1 as discussed above in connection with claim 3. Consequently, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Therefore, claim 4 is patentable over the art of record because claim 4 depends from claim 1.

Thus, for at least the reasons set forth above, claim 4 is patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner.

**b) Claim 4 Is Patentable Because Rubert in View of Patrizio in View of Slaughter in Further View of Tanner Fails to Teach or Suggest a Second Dialog Box With a Name Field and a Default Field.**

Appellant submits the following additional reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 4.

Claim 4 recites the elements of “the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property.” The Examiner conceded on page 21 of the Office Action that Rubert in view of Patrizio in view of Slaughter fails to teach or suggest the elements recited in claim 4. Further, Tanner fails to cure these deficiencies. As discussed above in connection with claim 3, because Tanner displays and edits the rows of data using a single GUI interface, the elements related to “the second dialog box” as recited in claim 4 are not taught or suggested. See Tanner, paragraphs [0065] and [0066]. As a result, because Rubert in view of Patrizio in view of Slaughter in further view of Tanner fails to teach or suggest the elements of “the second dialog box,” the art of record also fails to teach or suggest the elements of “the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property,” as recited in claim 4. Consequently, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Slaughter in further view of Tanner fails to teach or suggest each element of claim 4. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 4 is separately patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 4 be overturned.

**3. Claim 5**

**a) Claim 5 Depends from Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in View of Patrizio in View of Slaughter.**

Claim 5 depends from base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 5 is patentable over Rubert in view of Patrizio in view of Slaughter. Moreover, Tanner fails to cure these deficiencies of claim 1 as

discussed above in connection with claim 3. As a result, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Consequently, claim 5 is patentable over the art of record because claim 5 depends from claim 1. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 5 is patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner.

**b) Claim 5 Is Patentable Because Rubert in View of Patrizio in View of Slaughter in Further View of Tanner Fails to Teach or Suggest a Second Dialog Box With a Data Type Field.**

Appellant submits the following additional reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 5.

Claim 5 recites the elements of “the second dialog box further includes a data type field to display the data type associated with corresponding property.” The Examiner admitted on page 22 of the Office Action that Rubert in view of Patrizio in view of Slaughter fails to teach or suggest the elements recited in claim 5. Further, Tanner fails to cure these deficiencies. As discussed above in connection with claim 3, because Tanner displays and edits the rows of data using a single GUI interface, the elements related to “the second dialog box” as recited in claim 5 are not taught or suggested. See Tanner, paragraphs [0065] and [0066]. Consequently, because Rubert in view of Patrizio in view of Slaughter in further view of Tanner fails to teach or suggest the elements of “the second dialog box,” the cited references also fail to teach or suggest the elements of “the second dialog box further includes a data type field to display the data type associated with corresponding property,” as recited in claim 5. Consequently, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Slaughter in further view of Tanner fails to teach or suggest each element of claim 5. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 5 is separately patentable over Rubert in view of Patrizio in view of Slaughter in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 5 be overturned.

## **P. Rejection of Claims 20, 21, 23-25 and 28 Under 35 U.S.C. § 103**

Claims 20, 21, 23-25 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner.

As an initial matter, Appellant notes that on page 23 of the Office Action, the Examiner has asserted a rejection against claim 22. However, claim 22 was canceled in a previous Response to Office Action. Thus, the Examiner's rejection is moot.

However, as discussed below, the cited references fail to teach or suggest each element of claims 20, 21, 23-25 and 28.

### **1. Claims 20, 21, and 23-25**

#### **a) Claims 20, 21, and 23-25 Depend from Patentable Base Claim 19 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.**

Claims 20, 21, and 23-25 depend from base claim 19 and incorporate the limitations thereof. Thus, for the reasons discussed in connection with claim 19, claims 20, 21, and 23-25 are patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Moreover, Tanner fails to cure these deficiencies of claim 19. Specifically, Tanner fails to teach or suggest the elements of "selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component," as recited in claim 19. Tanner discloses updating multiple rows of a configuration file. See Tanner, paragraphs [0065] and [0066]. Updating multiple rows of a configuration file allows a user to modify multiple attributes with a single action. See Id. However, Tanner fails to disclose "selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component," because there is no discussion in Tanner of modifying attributes by comparing default parameter values or modifying attributes in response to replacing a component. Thus, Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner fail to teach or suggest every element of claim 19. As a result, claims 20, 21, and 23-25 are patentable over the cited art because claims 20, 21, and 23-25

depend from claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claims 20, 21, and 23-25 are patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claims 20, 21, and 23-25 be overturned.

## **2. Claim 28**

### **a) Claim 28 Depends from Patentable Base Claim 26 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.**

In regard to claim 28, this claim depends from base claim 26 and incorporates the limitations thereof. Therefore, for at least the reasons discussed in connection with claim 26, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 28. In addition, as discussed above, claim 26 recites analogous elements to those recited in claim 19. Thus, for at least the reasons mentioned in connection with claim 19, Rubert in view of Gudjonsson in view of Block in further view of Tanner fails to teach or suggest each element of claim 28 because claim 28 depends from claim 26. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 28 is patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 28 be overturned.

For the reasons set forth above, Appellant respectfully requests the Board overturn the rejection of claims 1-6, 8-10, 16-21, 23-26, and 28-31 as being obvious in view of the art of record.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

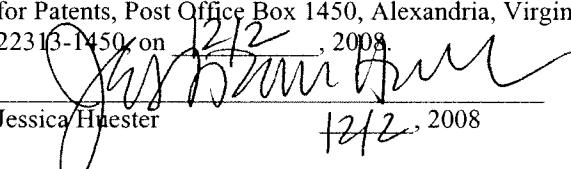
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Jessica Huester

12/2, 2008

## VIII. CLAIMS APPENDIX

The claims involved in this Appeal are:

1. (Previously Presented) A system comprising:
  - a configuration module representing configuration information of a node within a clustered system, the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object, and a property sheet data structure representing configuration information associated with at least one component within the clustered system including a plurality of property names, a plurality of non-modifiable parameters and a plurality of modifiable parameters, wherein each respective property name included in the property sheet data structure is associated with a non-modifiable parameter and a modifiable parameter; and
  - a user interface to display contents of the property sheet data structure to allow centralized management of the clustered system and to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system, the user interface to receive inputs to select and modify a parameter associated with the property sheet data structure.
2. (Previously Presented) The system of claim 1, wherein the property sheet data structure is associated with a plurality of components contained within the clustered system.
3. (Previously Presented) The system of claim 1, wherein the user interface comprises:
  - a first dialog box to display contents of the property sheet data structure, the first dialog box including a plurality of entry rows, the entry rows including a first column to display names of corresponding properties, a second column to display configuration parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters; and

a second dialog box to receive input to modify a custom parameter.

4. (Previously Presented) The system of claim 3, wherein the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property.

5. (Previously Presented) The system of claim 4, wherein the second dialog box further includes a data type field to display the data type associated with corresponding property.

6. (Previously Presented) A method comprising:

providing a property sheet associated with a component contained within a clustered system, the property sheet including a plurality of configuration parameters, each parameter associated with a name, a default parameter and a custom parameter;

replacing the component contained within the clustered system;

automatically updating the default parameters included in the property sheet with a different default parameter with a corresponding property of a replacement component in response to replacing the component; and

determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component.

7. (Cancelled)

8. (Previously Presented) The method of claim 6, further comprising:

determining if a custom parameter included in the property sheet is valid with the replaced component.

9. (Previously Presented) The method of claim 8, further comprising:

deselecting the custom parameter in response to the custom parameter being not valid with the replaced component.

10. (Original) The method of claim 6, wherein the cluster includes a plurality of instances.

11-15. (Cancelled)

16. (Previously Presented) A method comprising:  
providing a configuration module of a node contained within a cluster, the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair, and a property sheet containing configuration information associated with a component contained within a cluster;

displaying contents of the property sheet, the property sheet including non-modifiable parameters and modifiable parameters;

receiving input to select and modify a parameter of the displayed property sheet; and sending the configuration information to the node in response to a request from the node.

17. (Original) The method of claim 16, wherein the displaying contents of a property sheet comprises:

providing a number of entry rows;

displaying names of corresponding properties in a first column of each entry row;

displaying configuration parameters associated with corresponding properties in a second column of each entry row; and

indicating if a configuration parameter displayed in the second column is a default parameter or a custom parameter.

18. (Original) The method of the claim 16, wherein the property sheet is included in a configuration data structure containing configuration information associated with the cluster.

19. (Previously Presented) A system comprising:

means for displaying contents of a property sheet containing configuration information associated with a component contained within a clustered system, the property sheet having a plurality of properties, wherein each of said properties is associated with a property name, a non-modifiable default parameter and a custom parameter; and

means for receiving input to select and modify a parameter associated with a property included in the property sheet; and

means for selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.

20. (Original) The system of claim 19, further comprising:

means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet.

21. (Original) The system of claim 20, wherein the means for displaying further comprises:

means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter.

22. (Canceled)

23. (Previously Presented) The system of claim 19, further comprising:

means for automatically updating a default parameter included in the property sheet with a different default parameter associated with a corresponding property of the replaced component.

24. (Previously Presented) The system of claim 19, further comprising:

means for determining if a custom parameter included in the property sheet is valid with the replaced component.

25. (Previously Presented) The system of claim 19, further comprising:  
means for deselecting a custom parameter in response to the custom parameter being not valid with the replaced component.

26. (Previously Presented) A machine-readable medium that provides instructions, which when executed by a processor cause the processor to perform operations comprising:  
displaying contents of a property sheet data structure representing configuration information associated with at least one component within a clustered system, the property sheet data structure including a plurality of property names, a plurality of non-modifiable default parameters and a plurality of custom parameters;  
receiving input to select a custom parameter included in the property sheet data structure;  
storing the modified custom parameter without changing a default parameter corresponding to the modified custom parameter; and  
selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.

27. (Canceled)

28. (Previously Presented) The machine-readable medium of claim 26, wherein the operations performed by the processor further comprise:

automatically updating a default parameter included in the property sheet data structure with a different default parameter associated with a corresponding property of the replaced component;

determining a custom parameter included in the property sheet data structure is valid with the replaced component; and

deselecting an applied custom parameter in response to the applied custom parameter being not valid with the replaced component.

29. (Previously Presented) A system comprising:

a central storage node, the central storage node including a configuration data structure, the configuration data structure comprising a global configuration module and a sub-cluster configuration module, the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node.

30. (Previously Presented) The system of claim 29, further comprising:  
the global configuration module comprising a dispatcher configuration module and a server configuration module.

31. (Previously Presented) The system of claim 29, further comprising:  
the sub-cluster configuration module comprising a local configuration information associated with the sub-cluster, the local configuration information comprising a dispatcher module and a plurality of server modules, the dispatcher module including configuration information associated with a dispatcher node of the sub-cluster, and each of the plurality of server modules including configuration information associated with each server node of the sub-cluster.

## **IX. EVIDENCE APPENDIX**

Machine-readable Medium. Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. 24 September 2008. <[http://en.wikipedia.org/wiki/Machine-readable\\_medium](http://en.wikipedia.org/wiki/Machine-readable_medium)>.

## **X. RELATED PROCEEDINGS APPENDIX**

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

# Machine-readable medium

From Wikipedia, the free encyclopedia

In telecommunication, a **machine-readable medium (automated data medium)** is a medium capable of storing data in a form that can be accessed by an automated sensing device.

Examples of machine-readable media include (a) magnetic disks, cards, tapes, and drums, (b) punched cards and paper tapes, (c) optical disks, (d) barcodes and (e) magnetic ink characters.

Also see: Machine-readable

## References

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